

Commercial Code Revisions
Description of Urban Development and Planning Committee Recommendations
Council Bills CB 115745 and CB 115746
September 28, 2006

The City Council has introduced legislation reflecting the Urban Development and Planning (UDP) Committee's recommendations for changes to the City's commercial land use regulations. The legislation incorporates changes made by the Committee to the Neighborhood Business District Strategy (NBDS) proposal made by the Mayor in May 2005.

The commercial code changes would:

- Support job creation and business vitality
- Protect and enhance neighborhood character
- Improve the pedestrian environment
- Provide for housing growth in neighborhood business districts
- Achieve better design through development flexibility
- Support transit connections to business areas
- Balance parking requirements with other city goals
- Make the Land Use Code easier to use and understand

The recommended code changes have been widely reviewed by the public through a series of public meetings, public hearings, community forums, and opportunities for written comment.

CB 115746 would replace the entire commercial chapter (23.47) of the Land Use Code with a new chapter 23.47A, replace the definitions chapter (23.84) with a new chapter 23.84A, and amend other related Municipal Code provisions. The commercial chapter applies to Neighborhood Commercial (NC) and Commercial (C) zones and their variants, such as those with a pedestrian or residential designation ("/P" & "/R").

Proposed Council Bill 115745 would change the City's shoreline regulations to incorporate the proposed new use definitions, make related changes to some definitions in the Shoreline chapter, and make clarifying changes. However, because the State Department of Ecology (DOE) must approve all changes to the City's Shoreline Master Program, the current definitions will continue in effect, only for purposes of the Shoreline chapter, until DOE approval is granted. DOE review and approval generally takes three to four months.

Written comments on the proposed legislation will be accepted until November 20, 2006, and the Committee will hold a public hearing on November 28th. A full Council vote is scheduled for early December. The new Commercial Code provisions would become effective in mid-January 2007.

Below is a summary of the proposed legislation.

Summary of Significant Changes from the current Commercial Chapter of the Land Use Code

Please note that Urban Development and Planning Committee recommendations that differ from the Mayor's Neighborhood Business District Strategy Proposal are shown in italics in the list below.

1. Use Regulations. The Land Use Code use table includes 140 categories and subcategories of uses. The list of uses is proposed to be consolidated into 92 broader use categories, distinguished by the nature of their impacts, reducing the list of uses by more than a third. A summary of the recommended changes to use regulations is shown in Attachment 1.
2. Lodging. Hotels and motels are currently not permitted in NC1 and NC2 zones (bed and breakfasts in existing structures are permitted). The Mayor proposed to allow all lodging uses in these zones subject to size limits (10,000 SF and 25,000 SF respectively). *The UDP Committee modified the NBDS proposal by 1) prohibiting lodging (except bed and breakfasts) in NC1 zones, and 2) limiting conditions under which lodging may be permitted in NC2 zones, including a 50 room limit.*
3. Maximum Size of Use. Size-of-use limits in NC zones are simplified without allowing larger uses than allowed today. *The UDP Committee is also recommending that the number of gas pumps in Neighborhood Commercial zones be limited to four.*
4. Bulk Regulations. The Committee is recommending using a floor area ratio (FAR) system for limiting building bulk in all commercial zones (currently FAR limits only apply to zones with height limits above 65 feet), and eliminating the current 64% upper level lot coverage limit. The Committee also approved extending the incentive for mixed use structures to zones with height limits below 85 feet. In addition, a higher FAR was approved in Station Area Overlay Districts, in recognition that these areas will be well served by light rail and can accommodate higher densities. *In the Station Area Overlay District, the UDP Committee is recommending increasing the FAR limit for single-use structures to be the same as limit for mixed-use structures.* Chart A below summarizes the FAR limits recommended by the Committee.

Chart A: Recommended Maximum Floor Area Ratio (FAR) in Commercial Zones*

	Height Limit					
	30'	40'	65'	85'	125'	160'
	Maximum FAR*					
1. For residential or nonresidential structures.	2.25	3	4.25	4.5	5	5
2. For structures containing both residential and nonresidential uses.	2.5	3.25	4.75	6	6	7
3. For structures in the Station Area Overlay District.	3	4	5.75	6	6	7

*The shaded areas are the same as current Code requirements.

5. Mixed Use Structures. The current Code strongly encourages mixed use buildings, which have commercial use on the ground floor and residential uses above. The purpose is to encourage continuous commercial street fronts, and to preserve opportunities for

businesses to locate in commercial zones. However, in some areas, the result has been vacant storefronts that have negative impacts on the surrounding area.

In order to avoid this problem, and to encourage additional housing development, the UDP Committee is recommending that residential uses be limited to 20% of the street level space in Pedestrian designated areas (P zones) when facing the principal pedestrian street, in zones with height limits of 85 feet or more, and in the Lake City and Bitter Lake urban villages (based on neighborhood plan recommendations).

Residential uses would also be limited at street level facing arterials, but only temporarily until the Pedestrian designation mapping project is completed by the Department of Planning and Development (DPD). Once the Pedestrian designation mapping project is completed, the limits along arterials would be lifted (with the exception of those areas included in P zones). In all other areas where not expressly prohibited, residential uses would be permitted outright. The UDP Committee interim recommendation is summarized in Chart B below.

Chart B: Recommendations for Residential Use at Street Level

Regulations for Residential Use Exceeding 20% of the Street Level Façade	Current Zoning	UDP Committee Interim Recommendation until Pedestrian zones are Assessed
Prohibited	<ul style="list-style-type: none"> • When facing a principal pedestrian street in a Pedestrian zone; • In zones with height limits of 85' or more; and • In the Lake City and Bitter Lake Urban Villages. 	<ul style="list-style-type: none"> • When facing a principal pedestrian street in a Pedestrian zone; • In zones with height limits of 85' or more; • In the Lake City and Bitter Lake Urban Villages; and • <i>When facing an arterial.</i>
Permitted Outright	In mapped areas in the following Urban Villages: Roosevelt, Columbia City, University District, Madison/Miller, Rainier Beach, and West Seattle Junction.	On all lots in commercial zones that are: <ul style="list-style-type: none"> • Not facing an arterial; and • Not in the expressly prohibited locations listed above.
Permitted Only as a Conditional Use	All areas where it is not expressly permitted or prohibited.	Conditional use approval not required in any location.

6. Residential Density Limits.¹ Residential density limits would no longer apply to single-use residential structures.

¹ Residential density limits are limits on the number of residential units permitted per square foot of lot area.

7. Landscaping and Usable Open Space *The Committee is recommending a new provision called the “Seattle Green Factor” (SGF) that would replace most of the current “usable open space” requirement. The SGF is a landscaping requirement that provides a menu of landscaping features and assigns a weighted factor to each feature. More credit is given to features with greater environmental benefit, such as on-site water retention and low water usage. The SGF also encourages landscaping that is visible pedestrians, and gives credit for the provision of green roofs. The usable open space requirement has been renamed “residential amenity” space, and the required amount would be reduced from 20% to 5% of the amount of gross floor area in residential use, a further reduction from the Executive’s proposed 10% of residential gross floor area.*
8. Pedestrian Designations. The current Code has two different pedestrian designations, the P1 and P2 zones. The UDP Committee is recommending that these be consolidated into a single modified P zone. In the modified P zone, more uses would be permitted at the street level, the parking waivers of the P2 zone would apply, which are smaller than the current P1 waivers, and applicable rezone evaluation criteria are revised. In addition, the Committee is recommending that new P zones be added in the Eastlake and Madison-Miller neighborhoods, and expanded P zones be approved in Columbia City, Lake City and Greenwood/Phinney Ridge. *The Committee proposal incorporates recommendations from these communities on the proposed P zone boundaries. The Committee did not approve an Executive proposal for a new P zone in the Admiral neighborhood, which will be further evaluated in the citywide mapping project for pedestrian areas.*
9. Parking. The UDP Committee recommends approval of the changes to parking standards proposed by the Executive. These include:
 - a. Lower parking requirements for commercial uses citywide, and for residential uses in commercial zones, based on actual demand;
 - b. Elimination of the parking requirements for all uses in commercial zones in Urban Centers and Station Area Overlay Districts;
 - c. Provisions that encourage shared use of parking, simplify the parking requirements, and waive the requirement for the first 20 parking spaces for businesses that locate in existing buildings;
 - d. Limit the size of surface parking lots to 145 spaces.*In addition, the Committee recommends providing a credit of three parking spaces for each space provided for a car-share vehicle.*
10. Bicycle parking. Bicycle parking is currently tied to the amount of auto parking required, and long-term parking for residents or employees is not distinguished from short-term parking for customers. The UDP Committee recommendation is to make bicycle parking independent of the amount of auto parking required, to distinguish long-term bicycle (4 hours and more) parking from short-term, and to increase the amount of required bicycle parking, especially in urban centers and station areas. Bicycle parking for non-residential uses must be provided on-site *or in a shared facility within 100 feet (the Executive proposal was to allow the parking within 800 feet)*, or a payment-in-lieu may be made for assured public bicycle parking.
11. Street-front development standards. The proposal would strengthen the current development standards that encourage pedestrian-friendly street fronts in commercial

zones, as shown in Chart C below. In order to make it easier to reuse existing buildings, the recommendations include exemptions from the street-front standards for uses locating in an existing structure.

Chart C: Recommendations for Street-Front Development Standards

Current Requirement	UDP Committee Recommendation
Blank Façade Limits <ul style="list-style-type: none"> P zones: 30 foot maximum blank façade width; maximum 40% of façade may be blank. All other zones: less restrictive standards apply. 	20 foot maximum blank façade width and maximum 40% of façade width would apply in: <ul style="list-style-type: none"> All NC zones; All buildings in C zones that contain residential uses or are across the street from residential zones; and All pedestrian zones.
Transparency Requirements <ul style="list-style-type: none"> Less restrictive standards apply in all zones. 	Proposed new minimum façade transparency requirement of 60% of the width of the commercial façade would apply in all zones.
Maximum setback from the sidewalk <ul style="list-style-type: none"> P zones: 10-foot maximum setback. All other zones: No maximum setback. 	10-foot maximum setback in: <ul style="list-style-type: none"> All NC zones; All buildings in C zones that contain residential uses or are across the street from residential zones; and All pedestrian zones.
Commercial use height and depth Requirements for mixed-use structures: <ul style="list-style-type: none"> 13-foot commercial use ceiling height. 30 foot average depth of commercial space. No requirements for other structures.	Requirements for mixed-use structures would be extended to all commercial development at street level.
Residential Uses at Street Level <ul style="list-style-type: none"> No requirements for grade separation, setbacks, pedestrian entrances, or limits on blank facades for residential uses. Design guidelines do not promote greater visual interest for residential street fronts. 	New requirements recommended: <ul style="list-style-type: none"> Grade elevation difference or setback required to maintain residential privacy. At least one visually prominent pedestrian entrance is required along each street. Blank façades prohibited. Revised design guidelines are intended to promote greater visual interest for residential street fronts.
Height departures <ul style="list-style-type: none"> Allow an additional 4 feet of height for mixed-use projects in 30-foot and 40-foot zones when a 13-foot ceiling height is provided for commercial uses at the street level. The additional 4 feet is permitted only when there is no significant impact on views. 	Allow additional 4 feet for a project that either: <ul style="list-style-type: none"> Provides 13-foot tall commercial first-floor height, or Provides the first residential floor 4 feet above the street level. <i>The UDP committee decided to retain the view impact provision, which the Executive had proposed to remove.</i>
Design departures from street-level standards <ul style="list-style-type: none"> Permitted only for projects that go through design review. 	A new process is proposed to allow DPD to grant exceptions to street level standards for projects too small to go through design review (generally fewer than 4 units and fewer than 4,000 square feet of non-residential use).
Existing buildings <ul style="list-style-type: none"> Not exempt from street-level development standards. 	Existing buildings would be exempt from street-level development standards, except that blank façade and transparency provisions would apply if substantial renovations are made to an existing façade.

12. Rezone Evaluation Criteria The UDP Committee recommends revisions to the rezone evaluation criteria that simplify the criteria and clarify the relationship between the

Commercial zones and the City's Comprehensive Plan and Urban Village strategy. The UDP Committee also made the following key changes from the Mayor's proposal:

- a. The Committee amended the proposed rezone criteria for the NC and C zones to recognize exceptional situations where general rules about the appropriateness of these zones in urban villages or centers may not apply.*
 - b. As proposed by the Mayor, the requirement to amend a neighborhood plan (through a Comprehensive Plan amendment) when amending any overlay zone that was adopted pursuant to the neighborhood plan was eliminated. However, a provision was added requiring that comments be directly solicited from any recognized neighborhood plan stewardship group, as well as established community groups and chambers of commerce for the area of the overlay.*
13. Citywide Design Review Guidelines The UDP Committee is recommending changes to Section D of the Design Review Guidelines for Multifamily and Commercial Buildings. These changes would add new sections to the "Pedestrian Environment" section regarding treatment of alleys, commercial signage and lighting, transparency, residential entries, and transitions between residential units and the street.

Attachment 1
Proposed Use Changes

(Note that uses with no proposed changes in regulation are not included in the following list.)

Current Use Category	Current regulation	Proposed regulatory change
Animal shelters	Prohibited in all C/NC zones	Permitted in C2 zone
Restaurants with drive-in lanes	Restaurants with drive-in lanes regulated as a use, all other drive-in lanes regulated as a development standard	Drive-in lanes for all uses regulated as a development standard
Lodging	Prohibited in NC1/NC2 and limited at the street level on principal pedestrian streets in P zones	Permitted as a conditional use in NC2 zones, up to 25,000 square feet and no more than 50 units; and on principal pedestrian streets in P zones, under limited conditions.
Existing Cemeteries	Existing cemeteries permitted to continue, but not expand. New cemeteries are prohibited in the Seattle Charter.	Cemeteries prohibited, existing cemeteries treated as non-conforming uses (The difference between these two is largely academic.)
Temporary Principal Use Parking	Permitted as a conditional use in NC1	No longer permitted in NC1
Sales, service and rental of office equipment	Prohibited in NC1	Permitted in NC1 zone
Sale of heating fuel	Permitted in NC3 - no size limit	Subject to 25,000 square foot size limit in NC3 zone.
Food Processing and Craft Work	10,000 square foot limit in NC2 zone	25,000 square foot limit in NC2 zone
School, Elementary or Secondary	Private schools limited at street on principal pedestrian streets; Public school - no maximum size limit, Private school - has maximum limit	Permitted at street on principal pedestrian streets in P zones; No maximum size limit, public or private
Religious Facility	Max. size-of-use limit; Limited at street on principal pedestrian streets in P zones	No maximum size limit; Permitted at street on principal pedestrian streets in P zones
Park and Ride Lots	Must have direct access to an arterial	Must be adjacent to an arterial

Current Use Category	Current regulation	Proposed regulatory change
Nursing Homes	Permitted outright in C2 zones	Conditional use in C2 zones
Live-work Units	Appears to have maximum size limit	No maximum size limit
Open Space	Appears to have maximum size limit; Limited at street on principal pedestrian streets in P zones	No maximum size limit; Parks and Open Space permitted at street on principal pedestrian streets in P zones
Rail Transit Facilities	Currently permitted but not listed in Use Chart	Proposed to be listed in Use Chart
Community Clubs and Centers	Limited at street on principal pedestrian streets in P zones	Permitted at street level on principal pedestrian streets in P zones
Medical Services	Limited at street on principal pedestrian streets in P zones	Permitted at street level on principal pedestrian streets in P zones
Museums	Limited at street on principal pedestrian streets in P zones	Permitted at street level on principal pedestrian streets in P zones
Keeping of animals	Each zone category (single family, multifamily, commercial, etc.) treats this topic separately.	Consolidate provisions for all zones in one location.
Home occupations	Each zone category (single family, multifamily, commercial, etc.) treats this topic separately.	Consolidate provisions for all zones in one location.